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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,293	07/23/2001	Sanghoon Sull	069234.0109	2894
7590	03/08/2006		EXAMINER	
Mr. Gerald E. Linden, Esq. 12925 La Rochelle Circle West Palm Beach, FL 33410-1406				SMITH, PETER J
		ART UNIT	PAPER NUMBER	2176

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/911,293	SULL ET AL.
	Examiner Peter J. Smith	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 December 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-45, 69, 70 and 84-88 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-45, 69, 70 and 84-88 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Restriction Election filed 12/27/2004.
2. Claims 1-45, 69, and 70, and 84-88 are pending in the case. Claims 1, 16, 30, 33, and 69 are independent claims.
3. Corrected inventorship is acknowledged by the Examiner.
4. The amendments to the specification submitted on 12/12/2005 to correct typographical errors are accepted by the Examiner.
5. The replacement drawing for Figure 3 is accepted by the Examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-8, 10-14, 30-38, and 40-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999.**

Regarding independent claim 1, Brown discloses a multimedia bookmark, the multimedia bookmark having content information about a segment at the intermediate point in the abstract and col. 1 line 52 – col. 2 line 21. Brown discloses wherein a user can utilize the

multimedia bookmark to access the segment without accessing the beginning of the multimedia file in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 2, Brown discloses a search mechanism for searching for segments of multimedia contents matching the content information of the multimedia bookmark in col. 5 lines 10-19.

Regarding dependent claim 3, Brown discloses an access mechanism for accessing multimedia contents starting from the segment of multimedia content matching the content information of the multimedia bookmark in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 4, Brown discloses wherein the content information comprises partial data related to a particular at least one segment in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 5, Brown discloses wherein the content information comprises visual data comprising one or more frames of video in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 6, Brown discloses wherein the content information comprises audio data in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 7, Brown discloses wherein the content information comprises a string of characters in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 8, Brown discloses wherein the multimedia bookmark further comprises positional information about the segment in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 10, Brown discloses wherein the positional information includes an elapsed time in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 11, Brown discloses wherein the positional information includes a time code in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 12, Brown discloses wherein the multimedia bookmark is contained on a local storage in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 13, Brown discloses wherein the local storage includes a database in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 14, Brown discloses wherein the multimedia bookmark is stored on a device accessible via a network in fig. 1 and col. 4 lines 28-35.

Regarding independent claim 30, Brown discloses saving content information describing a segment in a multimedia bookmark in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 31, Brown discloses searching for segments that match content information criteria in col. 5 lines 10-19.

Regarding independent claim 32, Brown discloses accessing the segment multimedia content matching the content information criteria in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 33, Brown discloses selecting a multimedia selecting multimedia content from a server and playing the multimedia content delivered from the server by a user in fig. 1, the abstract, and col. 1 line 52 – col. 2 line 21. Brown discloses receiving at a server an add-bookmark command from the user in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-44. Brown discloses saving content information pertaining to a segment of

the multimedia content designated by the user as a multimedia bookmark of the multimedia content in abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-44. Brown discloses displaying the content information of the multimedia bookmark in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 45-63. Brown discloses searching for segments of multimedia contents satisfying search criteria of the content information in col. 5 lines 10-19. Brown discloses accessing multimedia content starting from the segment having content information matching the search criteria in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 34, Brown discloses wherein the content information comprises partial data related to a particular at least one segment in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 35, Brown discloses wherein the content information comprises visual data comprising one or more frames of video in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 36, Brown discloses wherein the content information comprises audio data in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 37, Brown discloses wherein the content information comprises a string of characters in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 38, Brown discloses wherein the multimedia bookmark further comprises positional information about the segment in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 40, Brown discloses wherein the positional information includes an elapsed time in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 41, Brown discloses wherein the positional information includes a time code in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 42, Brown discloses wherein the multimedia bookmark is contained on a local storage in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 43, Brown discloses wherein the local storage includes a database in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 44, Brown discloses wherein the multimedia bookmark is stored on a server accessible via a network in fig. 1 and col. 4 lines 28-35.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 15-29, 45, 84, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999 in view of Jain et al. (hereinafter “Jain”), US 6,567,980 B1 provisional filed 8/14/1997.**

Regarding dependent claim 15, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein

the network is the Internet. Jain does teach wherein the network is the Internet in col. 2 lines 9-16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the teachings of Jain to have modified Brown to have functioned on the Internet. This modification would have enabled users to have leveraged the benefits of the Internet for transmitting video as is taught by Jain in col. 1 line 36 – col. 2 line 39.

Regarding independent claim 16, Brown teaches a segment of a variation file having a beginning point after the beginning point of a master file in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-63. Brown disclose a multimedia bookmark, the multimedia bookmark having content information about the segment in the abstract and col. 1 line 52 – col. 2 line 21. Brown discloses wherein the user can access the same segment on the master file and the variation file via the multimedia bookmark in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-63.

Brown teaches partial streams of the master file, which are variation files, but these have the same end point as the master file end point. Thus, Brown does not teach a segment of a file having an end point before the end point of a master file which is designated by a user. Brown does teach that the user may bookmark points of interest in a multimedia content file in col. 15 lines 38 and 39. Brown also teaches in col. 17 lines 42-60 that a user may select a beginning and end point of a show extracted from a channel stream to save into a show variation file. Thus, Brown contains teachings which suggest a user may wish to define an end point for a variation file.

Jain specifically teaches creating and profiling variation files derived from a master file, wherein the variation file has a beginning point after the beginning point of the master file and an

end point before the end point of the master file that are designated by a user in col. 1 line 54 – col. 2 line 39, col. 4 lines 21-40, col. 6 lines 43 – col. 7 line 13, and col. 14 lines 1-6. Jain calls the beginning and end points of the variation files the in-times and out-times of the variation file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have used the variation file teaching of Jain to have enabled non-linear access to any segment of the video as is taught by Jain in col. 1 lines 54-67.

Regarding dependent claim 17, Brown teaches a search mechanism for searching for segments of multimedia contents matching the content information of the multimedia bookmark in col. 5 lines 10-19.

Regarding dependent claim 18, Brown teaches an access mechanism for accessing multimedia contents starting from the segment of multimedia content matching the content information of the multimedia bookmark in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 19, Brown teaches wherein at least two variations files are accessible from a network in col. 15 lines 30-63.

Regarding dependent claim 20, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the network is the Internet. Jain does teach wherein the network is the Internet in col. 2 lines 9-16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the teachings of Jain to have modified Brown to have functioned on the Internet. This

modification would have enabled users to have leveraged the benefits of the Internet for transmitting video as is taught by Jain in col. 1 line 36 – col. 2 line 39.

Regarding dependent claim 21, Brown teaches wherein the multimedia bookmark is accessible from a network in col. 1 line 52 – col. 2 line 21 and col. 15 lines 30-63.

Regarding dependent claim 22, Brown teaches wherein the multimedia bookmark is stored in a database in col. 1 line 52 – col. 2 line 21 and col. 15 lines 30-63.

Regarding dependent claim 23, Brown teaches wherein the multimedia bookmark is indexed in a search engine in col. 1 line 52 – col. 2 line 21 and col. 15 lines 30-63.

Regarding dependent claim 24, Brown does not teach metadata constructed and arranged to store a media profile for each variation file, the media profile containing offset information representing a difference between a start time of a segment of the variation file and a start time of a corresponding segment of the master file. Jain does teach metadata constructed and arranged to store a media profile for each variation file, the media profile containing offset information representing a difference between a start time of a segment of the variation file and a start time of a corresponding segment of the master file in col. 1 line 54 – col. 2 line 39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have constructed media profiles for each variation file so that the variation files could have been easily shared with other users as is taught by Jain in col. 12 line 60 – col. 13 line 33.

Regarding dependent claim 25, Brown does not teach wherein the offset information of a variation file is calculated by aligning a referential segment between two different time points

from the master file and the variation file. Jain does teach wherein the offset information of a variation file is calculated by aligning a referential segment between two different time points from the master file and the variation file in col. 4 lines 21-40, col. 6 lines 43 – col. 7 line 13, and col. 14 lines 1-6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have used the variation file teaching of Jain to have enabled non-linear access to any segment of the video as is taught by Jain in col. 1 lines 54-67.

Regarding dependent claim 26, Brown teaches wherein the master file and the variation file are videos in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 27, Brown teaches wherein the referential segment is between two successive shot boundaries in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claims 28 and 29, Brown teaches that a user may create multiple multimedia bookmarks for a single file in col. 15 lines 30-63. Brown does not teach that a bookmark can be copied or emailed. Jain teaches in col. 13 lines 24-28 that time-code metadata, or multimedia bookmarks, may be copied and emailed. Jain teaches in col. 13 lines 24-28 that this is advantageous so that the multimedia file and metadata can be shared with another person. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have modified the multimedia bookmarks to have

been copied and emailed so that the multimedia files could have been shared with other people from the original creators of the multimedia bookmarks.

Regarding dependent claim 45, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the network is the Internet. Jain does teach wherein the network is the Internet in col. 2 lines 9-16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the teachings of Jain to have modified Brown to have functioned on the Internet. This modification would have enabled users to have leveraged the benefits of the Internet for transmitting video as is taught by Jain in col. 1 line 36 – col. 2 line 39.

Regarding dependent claims 84, Brown teaches that a user may create multiple multimedia bookmarks for a single file in col. 15 lines 30-63. Brown does not teach that a bookmark can be copied or emailed. Jain teaches in col. 13 lines 24-28 that time-code metadata, or multimedia bookmarks, may be copied and emailed. Jain teaches in col. 13 lines 24-28 that this is advantageous so that the multimedia file and metadata can be shared with another person. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have modified the multimedia bookmarks to have been copied and emailed so that the multimedia files could have been shared with other people from the original creators of the multimedia bookmarks.

Regarding dependent claim 85, Brown teaches that a user may create multiple multimedia bookmarks for a single file in col. 15 lines 30-63. Brown does not teach that a

bookmark can be copied or emailed. Jain teaches in col. 13 lines 24-28 that time-code metadata, or multimedia bookmarks, may be copied and emailed. Jain teaches in col. 13 lines 24-28 that this is advantageous so that the multimedia file and metadata can be shared with another person. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have modified the multimedia bookmarks to have been copied and emailed so that the multimedia files could have been shared with other people from the original creators of the multimedia bookmarks.

10. Claims 9 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999 in view of Swenson et al. (hereinafter “Swenson”), US 6,064,380 filed 11/17/1997.

Regarding dependent claim 9, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the position information is a URI. Swenson does teach wherein position information is a URI in fig. 3, fig. 4, and col. 4 line 65 – col. 5 line 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Swenson to have created the claimed invention. It would have been obvious and desirable to have used to the URI position information teaching of Swenson to have improved Brown so that a user could have selected a hyperlink to the intermediate segment through use of a hyperlink as

is taught by Swenson. This would have enabled the user to have continued a streaming multimedia segment where it was left off.

Regarding dependent claim 39, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the position information is a URI. Swenson does teach wherein position information is a URI in fig. 3, fig. 4, and col. 4 line 65 – col. 5 line 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Swenson to have created the claimed invention. It would have been obvious and desirable to have used to the URI position information teaching of Swenson to have improved Brown so that a user could have selected a hyperlink to the intermediate segment through use of a hyperlink as is taught by Swenson. This would have enabled the user to have continued a streaming multimedia segment where it was left off.

11. Claims 69, 70, and 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999 in view of Hsu et al. (hereinafter “Hsu”), US 6,757,273 B1 filed 2/7/2000.

Regarding independent claim 69, Brown teaches submitting a multimedia bookmark and a request for multimedia playback from a client device to a server in the abstract and col. 1 line 52 – col. 2 line 21. Brown teaches streaming the multimedia content from a multimedia server to a client device in the abstract and col. 1 line 52 – col. 2 line 21. Brown teaches managing the multimedia bookmarks in col. 15 lines 30-63. Brown does not teach wherein the

client device is a mobile device; determining a bit rate suitable for transmission of the multimedia content to the mobile device, and calculating a modified multimedia bookmark based on the transmission bit rate and characteristics of the mobile device.

Hsu does teach streaming a multimedia file to a mobile device and determining a variable bit rate for streaming the multimedia file in col. 2 lines 1-44. Hsu teaches a mobile switching center in a radio network communication system for providing the streaming content to the mobile device in fig. 4 and col. 6 line 62 – col. 7 line 18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Hsu to have created the claimed invention. This combination of teachings would have necessitated the need for a modified multimedia bookmark adapted to the new bit rate transmission of the multimedia content to the mobile client device. It would have been obvious and desirable to have used the teaching of multimedia streaming to mobile client devices as is taught by Hsu to have enhanced the multimedia streaming network taught by Brown. This would have enabled Brown to have served multimedia content to a wider variety of users both through wireline and wireless networks as is taught by Hsu in col. 2 lines 1-44.

Regarding dependent claim 70, Brown does not teach wherein the client device is a mobile device. Hsu does teach wherein the client device is a personal digital assistant in col. 2 lines 1-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Hsu to have created the claimed invention. It would have been obvious and desirable to have used the personal digital assistant as taught by Hsu to have acted as the client device to have received the streaming multimedia

content so that the end user could have received multimedia content via the wireless network as taught by Hsu in col. 2 lines 1-44.

Regarding dependent claim 86, Brown teaches wherein the multimedia bookmark comprises content information about the segment of the multimedia content designated by the user in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65. The multimedia bookmarks of Brown are personalized for each user and therefore contain a content component for the personalization.

Regarding dependent claim 87, Brown teaches wherein the multimedia bookmark further comprises positional information about the segment of the multimedia content designated by a user in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 88, Brown teaches wherein the multimedia bookmark further comprises positional information about the segment of the multimedia content designated by a user in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65. Brown does not teach multimedia content with a bit rate suitable for transmission. Hsu does teach streaming a multimedia file to a mobile device and determining a variable bit rate for streaming the multimedia file in col. 2 lines 1-44. Hsu teaches a mobile switching center in a radio network communication system for providing the streaming content to the mobile device in fig. 4 and col. 6 line 62 – col. 7 line 18.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Hsu to have created the claimed invention. This combination of teachings would have necessitated the need for a modified multimedia bookmark adapted to the new bit rate transmission of the multimedia content to the

mobile client device. In this combination, Brown's positional information would have pointed to the same content for the multimedia content with a bit rate suitable for transmission so that the positional information would have still been valid. It would have been obvious and desirable to have used the teaching of multimedia steaming to mobile client devices as is taught by Hsu to have enhanced the multimedia streaming network taught by Brown. This would have enabled Brown to have served multimedia content to a wider variety of users both through wireline and wireless networks as is taught by Hsu in col. 2 lines 1-44.

Response to Arguments

12. Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive. Regarding Applicant's argument in pages 22 and 23 that Brown does not teach a multimedia bookmark having content information as defined in claim 1, the Examiner respectfully disagrees. The Examiner believes Brown shows in col. 1 line 52 – col. 2 line 21 that bookmarks do contain content information, under the broadest reasonable interpretation of the term, about the segment at the intermediate point. Brown teach in col. 1 lines 60-64, as Applicant points out in the response, that Brown records the frame of the program where the user stopped. In col. 1 lines 64-67 Brown teaches that the user can access the bookmark at any time to continue playback of the program. Brown teaches in col. 2 lines 1-21 that multiple bookmarks can be stored as a set and multiple bookmarks can be associated with a single program. Therefore, those bookmarks must contain content information, such as the program title, to associate the bookmark with the correct program. Therefore, the Examiner maintains that Brown

teaches storing content information in the bookmark in view of the broadest reasonable interpretation of this limitation.

Regarding Applicant's argument in pages 23 and 24 that Brown does not teach the search mechanism as defined in claim 2, the Examiner respectfully disagrees. The Examiner believes Brown teaches a search mechanism in col. 5 lines 10-19 that reads upon the broadest reasonable interpretation of the claimed search mechanism. Brown teaches in col. 2 lines 1-21 that sets of bookmarks may be saved for a program. The bookmarks must contain content information that links them to the appropriate program, such as the program title, to associate the bookmark with the correct program. Therefore, the search of Brown must use the content information in the bookmark in part for selecting the appropriate segment associated with the bookmark.

Regarding Applicant's argument in page 24 that Brown does not teach the access mechanism as defined in claim 3, the Examiner respectfully disagrees. The Examiner believes the access mechanism of Brown, taught in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54, teaches the claimed access mechanism. Brown teaches in col. 2 lines 1-21 that sets of bookmarks may be saved for a program. The bookmarks must contain content information that links them to the appropriate program, such as the program title, to associate the bookmark with the correct program. Therefore, the access mechanism of Brown must use the content information in the bookmark in part for selecting the appropriate segment associated with the bookmark.

Regarding Applicant's argument in page 24 that Brown does not teach content information as used in claims 4 and 5, the Examiner respectfully disagrees. Brown teaches that

content information is used in col. 1 line 52 – col. 2 line 21 for associating a bookmark and utilizing the bookmark.

Regarding Applicant's argument in page 24 that Brown does not teach the multimedia content as defined in claims 6 or 7, the Examiner respectfully disagrees. Brown teaches multimedia content in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding Applicant's argument in pages 24 and 25 that Brown does not teach the positional information of claim 8, the Examiner respectfully disagrees. Claim 8 does not define that the positional information comprises a URI. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding Applicant's argument in page 25 that Brown does not teach the elapsed time of claim 10, the Examiner respectfully disagrees. Brown shows an offset, or elapsed time, in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding Applicant's argument in page 25 that Brown does not teach the time code of claim 11, the Examiner respectfully disagrees. Brown shows a time code for the positional information in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding Applicant's argument in page 25 that Brown does not teach multimedia bookmark stored in a local storage as defined in claim 12, the Examiner respectfully disagrees. Brown shows that the bookmark can be stored in a local storage in fig. 1 and col. 4 lines 28-35.

Regarding Applicant's argument in page 25 that Brown does not teach that the local storage includes a database as defined in claim 13, the Examiner respectfully disagrees. Brown shows that the local storage includes a database in fig. 1 and col. 4 lines 28-35.

Regarding Applicant's argument in page 25 that Brown does not teach that the multimedia bookmark is stored on a device accessible via a network, the Examiner respectfully disagrees. Brown shows the multimedia bookmark is stored on a device accessible via a network in fig. 1 and col. 4 lines 28-35.

Regarding Applicant's argument in pages 27 and 28 that the combination of Brown and Jain does not teach a variation file of a source multimedia content as defined in claim 16, the Examiner respectfully disagrees. The Examiner believes Brown teaches a variation file derived from the master file, under the broadest reasonable interpretation in col. 1 line 52 – col. 2 line 21 and col. 17 lines 42-60. Brown streams a portion of the master file to the end user and therefore this is the claimed variation file. Jain also teaches deriving a variation file from the master file in col. 1 line 54 – col. 2 line 39, col. 4 lines 21-40, col. 6 lines 43 – col. 7 line 13, and col. 14 lines 1-6. Jain calls the beginning and end points of the variation files the in-times and out-times of the variation file. Therefore, the Examiner maintains that the combination of Brown and Jain teaches the claimed variation file within the broadest reasonable interpretation.

Regarding Applicant's argument in pages 28 and 29 that the combination of Brown and Jain do not teach the limitations of claims 19 and 21-27, the Examiner respectfully disagrees. Applicant generally alleges that the teachings of Brown and Jain are not related to these claim limitations, but does not provide specific arguments why these claims are patentable over the cited prior art. Therefore, the Examiner maintains the rejection of these claims as being unpatentable over Brown and Jain.

Regarding Applicant's argument in page 29 that the combination of Brown and Jain does not teach the limitations of claims 28 and 29, the Examiner respectfully disagrees. The

Examiner believes the combination teaches a multimedia bookmark (Brown col. 15 lines 30-63) that can be copied and emailed (Jain col. 13 lines 24-28). Therefore, the Examiner maintains that the combination of Brown and Jain teaches the limitations of claims 28 and 29.

Regarding Applicant's argument in pages 29 and 30 that the combination of Brown and Swenson does not teach that the positional information is a URI as defined in claim 9, the Examiner respectfully disagrees. Brown multimedia bookmarking employing positional information in col. 1 line 52 – col. 2 line 21 and col. 3 lines 49-50. Brown does not teach wherein the position information is a URI. Swenson does teach wherein position information is a URI in fig. 3, fig. 4, and col. 4 line 65 – col. 5 line 24. Therefore, in combination the prior art references teach URI positional information. The URL taught by Swenson is a URI and reads upon the broadest reasonable interpretation of the claimed URI. Therefore, the Examiner maintains that the combination of Brown and Swenson teaches claim 9.

Regarding Applicant's argument in page 30 that the combination of Brown and Hsu does not teach sending multimedia content to a mobile device or personal digital assistant by using a multimedia bookmark having the content information as defined in claims 69 and 70, the Examiner respectfully disagrees. Brown discloses a multimedia bookmark having content information in col. 1 line 52 – col. 2 line 21, under the broadest reasonable interpretation of the term. Brown teach in col. 1 lines 60-64 that Brown records the frame of the program where the user stopped. In col. 1 lines 64-67 Brown teaches that the user can access the bookmark at any time to continue playback of the program. Brown teaches in col. 2 lines 1-21 that multiple bookmarks can be stored as a set and multiple bookmarks can be associated with a single program. Therefore, those bookmarks must contain content information, such as the program

title, to associate the bookmark with the correct program. Hsu teaches streaming a multimedia file to a mobile device and determining a variable bit rate for streaming the multimedia file in col. 2 lines 1-44. Hsu teaches a mobile switching center in a radio network communication system for providing the streaming content to the mobile device in fig. 4 and col. 6 line 62 – col. 7 line 18. Therefore Brown and Hsu, in combination, teach sending multimedia content to a mobile device (taught by Hsu) by using a multimedia bookmark having the content information (taught by Brown). Therefore, the Examiner maintains the rejection of claims 69 and 70 as being unpatentable over Brown and Hsu.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS
3/3/2006



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